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Attorneys for John J. Menchaca, Ch. 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re	)	Case No. Case No. 2:14-bk-21532-RK
)	
TIFKAH, fka THE HOUSE RESEARCH	)	Chapter 7
INSTITUTE,)	
Debtor	)	NOTICE OF MOTION OF CHAPTER 7
	)	TRUSTEE (1) FOR ORDER
	)	APPROVING SETTLEMENT
	)	BETWEEN THE TRUSTEE AND
	)	DEFENDANTS AND (2) APPROVING
	)	PAYMENT OF LITIGATION
	)	EXPENSES AND CONTINGENCY FEES
	)	TO TRUSTEE'S COUNSEL;
	)	DECLARATION OF JOHN J.
	)	MENCHACA; AND REQUEST FOR
	)	JUDICIAL NOTICE FILED IN
	)	SUPPORT THEREOF
)	
	)	Date: August 1, 2017
	)	Time: 3:00 p.m.
	)	Place: 255 East Temple Street
	)	Courtroom "1675"
	)	Los Angeles, California 90012

TO THE HONORABLE ROBERT KWAN, UNITED STATES BANKRUPTCY JUDGE,
AND TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that on August 1, 2017 at 3:00 p.m. in Courtroom 1675 of the
United States Bankruptcy Court, 255 East Temple Street, Los Angeles, California, John J.
Menchaca, the Trustee (the "Trustee" or "Plaintiff") for the Chapter 7 bankruptcy estate of
TIFKAH, fka The House Research Institute, (the "Estate") will move (the "Motion") the Court,

pursuant to rule 9019 of the Federal Rules of Bankruptcy Procedure, for an Order approving the Settlement (the "Settlement Agreement" or "Settlement") between the Trustee, on the one hand, and Defendants Lynn Booth, James D. Boswell, Derald E. Brackman, Malcolm Cutler, Jr., David Z. D'Argenio, Joan G. Flax, Tomilee Tilley Gill, Robert G. Hayman, John W. House, William Luxford, Catherine Meyer, Patricia Moller, Laurence G. Preble, Carmen Puliafito, Charlotte Schamadan, Forest G. Smith, III, John Thomas, James S. Twerdahl, William B. Witte, Peter Wu, David H. Koch, Tina Caruso, Stephen Chandler, Wallis Annenberg and Edward P. Roski, Jr. (all collectively herein, "Defendants"), on the other hand. Plaintiff and Defendants are sometimes referred to herein as the "Parties."

The Settlement Agreement resolves the Trustee's claims for relief alleged in Adversary Proceeding No. 2:16-ap-01201-RK (the "Adversary Proceeding") against all Defendants (including deceased Defendant Stafford R. Grady who never appeared personally or through an authorized representative in these proceedings). These claims for relief against the Defendants, former officers or Trustees of the House Research Institute ("HRI"), are for breach of fiduciary duties leading to and including their approval and execution of a transaction by which all or substantially all of HRI's assets were transferred to a secured creditor for what the Trustee alleges was little or no value to HRI.

Under the terms of the Settlement, HRI's directors' and officers' insurer will pay the Estate \$1,900,000 (the "Settlement Amount") from HRI's directors' and officer's insurance policy. A true and correct copy of the Settlement is attached to the Declaration of John J. Menchaca as Exhibit "1."

The Settlement is in the best interest of the Estate and its creditors. It fully resolves all litigation in the Adversary Proceeding, in consideration for the payment of significant funds to the Estate without the need for further uncertain and time-consuming litigation or expense, including trial and appeal.

The Motion further seeks approval of payment of litigation expenses and contingency fees to the Trustee's counsel, pursuant to 11 U.S.C. § 328, as authorized by the Order [Docket No. 113] approving the Trustee's Supplemental Application (the "Supplemental Application") for an Order

1 Authorizing Modification of the Scope of Employment of the Trustee's General Bankruptcy
2 Counsel, Danning-Gill [Docket No. 111].

3 **PLEASE TAKE FURTHER NOTICE** that the Motion is based upon this Notice of
4 Motion, the Motion, the Memorandum of Points and Authorities and the Declaration of John J.
5 Menchaca, the Request for Judicial Notice, along with such other and further matters as may be
6 properly presented to the Court. These documents can be accessed by viewing at the Bankruptcy
7 Court or requesting copies from the Trustee's counsel at the address noted in the upper left-hand
8 corner of the first page of the Motion.

9 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy Rule 9013-1(f),
10 any response or opposition to the Motion shall be stated in writing, filed with the Court, and served
11 on the United States Trustee at: 915 Wilshire Blvd., Suite 1850, Los Angeles, California 90017, the
12 Trustee, and the Trustee's counsel at the address noted in the upper left-hand corner of the first
13 page of the Motion, and on all creditors and other parties in interest who are entitled to notice. If
14 you fail to file a written response within fourteen (14) days after the date of the hearing, the Court
15 may treat such failure as a waiver of your right to oppose the Motion and may grant the requested
16 relief.

17
18 Dated: July 11, 2017

DANNING, GILL, DIAMOND & KOLLITZ, LLP

19
20
21 By: 

22 Walter K. Getzell
23 Attorneys for Attorneys for John J.
24 Menchaca, Ch. 7 Trustee
25
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-4402.

A true and correct copy of the foregoing document entitled (*specify*): NOTICE OF MOTION AND MOTION OF CHAPTER 7 TRUSTEE (1) FOR ORDER APPROVING SETTLEMENT BETWEEN THE TRUSTEE AND DEFENDANTS AND (2) APPROVING PAYMENT OF LITIGATION EXPENSES AND CONTINGENCY FEES TO TRUSTEE'S COUNSEL; DECLARATION OF JOHN J. MENCHACA; AND REQUEST FOR JUDICIAL NOTICE FILED IN SUPPORT THEREOF will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 11, 2017 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL: On July 11, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 11, 2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

BY PERSONAL DELIVERY BY ALSSI ON JULY 12, 2017

Hon. Robert N. Kwan
U. S. Bankruptcy Court
255 E. Temple Street, Bin outside of Suite 1682
Los Angeles, CA 90012

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 11, 2017

Date

Vivian Servin

Printed Name

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

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Optimal Phone Interpreters Inc.
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Somerset, NJ 08873-1136

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Purchase Power
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Quality Systems Inc / Nextgen
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Los Angeles, CA 90051-8004

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Hoffman Southwest Corp
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Davis CA 95617-2096

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